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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,551	01/22/2007	Hiroshi Kawano	5259-000068/US/NP	9949
27572	7590	02/12/2008		
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				
EXAMINER				
MEISLIN, DEBRA S				
ART UNIT		PAPER NUMBER		
3723				
MAIL DATE		DELIVERY MODE		
02/12/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/586,551

**Applicant(s)**

KAWANO ET AL.

**Examiner**

D. S. Meislin

**Art Unit**

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-23, drawn to a screw driving device.

Group II, claim(s) 24-33, drawn to a screw.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: group I is directed to a screw driving device that does not require a screw, or does not require a screw to have a flat top surface, a projection or a washer. The screw of group II does not require the structure of the driver.

**Additionally applicant must elect between the following species of the screw driving device if the screw driving device is elected or between the following species of the screw if the screw is elected as follows:**

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species of **the driving device** are as follows:

- a. The species of figure 1,
- b. The species of figures 2-3,
- c. The species of figure 5,
- d. The species of figure 6,
- e. The species of figure 7,
- f. The species of figure 8,
- g. The species of figure 9,
- h. The species of figure 10,
- i. The species of figures 12-13,
- j. The species of figures 14-15,
- k. The species of figure 16,
- l. The species of figure 17.

The species of **the screw** are as follows:

- m. The species of figures 4A-C,
  - n. The species of figures 11A-C,
  - o. The species of figures 18A-C and 19A-B,
  - p. The species of figures 20A-D,
4. Applicant is required, in reply to this action, **to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added.** An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

5. The claims, as best understood, are deemed to correspond to **the screw driving species** listed above in the following manner:

The species of figure 1: claims 1 and 3-6.

The species of figures 2-3: claim 2.

The species of figure 5: claim 7.

The species of figure 6, the frictional material being a magnet: claim 8 and 9.

The species of the frictional material being a suction tube: claims 8 and 9.

The species of figure 7: claim 8 and 10.

The species of modified figure 7: claims 8 and 12.

The species of figure 8: claims 8 and 11.

The species of figure 9: claim 8.

The species of figure 10: claims 8, 9, 13 and 14.

The species of figures 12-13: claim 15-17 and 19-20.

The species of figures 14-15: claim 15-16, 18 and 21.

The species of figure 16: claim 15-16, 21 and 23.

The species of figure 17: claim 15 and 22.

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6. The claims, as best understood, are deemed to correspond to **the screw** species listed above in the following manner:

The species of figures 4A-C: claims 24 and 33.

The species of figures 11A-C: claims 24-26.

The species of figures 18A-C and 19A-B: claims 24, 27-31 and 33.

The species of figures 20A-D: claims 24, 27-30, 32.

7. The following claims, as best understood, are generic: claims 1 and 3-6 are generic to the screw driving device. Claim 24 is generic to the screw.

8. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the claims define mutually exclusive special technical features such as a flat transmission means, a male distal end transmission means, a magnet, a vice, an opposed bearing structure, an opposed second device body, a laser, a permanent connection, a hook engaging portion, a driving hook, a frame, tensile elastic body, a bearing set, stoppers, a direct acting actuator, a coil spring, a spring washer, and an adhesive.

9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272 4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S Meislin/  
Primary Examiner  
Art Unit 3723

15 February 2008